

"(ii) INDIVIDUALS TO WHOM DEEMING APPLIES.—An individual is described by this clause if—

"(I) vaccinia vaccine was administered to such individual as provided by subparagraph (B); and

"(II) such individual was within a category of individuals covered by a declaration under subparagraph (A)(i)."

(C) EXHAUSTION; EXCLUSIVITY; OFFSET.—Section 224(p)(3) of such Act (42 U.S.C. 233(p)(3)) is amended to read as follows:

"(3) EXHAUSTION; EXCLUSIVITY; OFFSET.—

"(A) EXHAUSTION.—

"(i) IN GENERAL.—A person may not bring a claim under this subsection unless such person has exhausted such remedies as are available under part C of this title, except that if the Secretary fails to make a final determination on a request for benefits or compensation filed in accordance with the requirements of such part within 240 days after such request was filed, the individual may seek any remedy that may be available under this section.

"(ii) TOLLING OF STATUTE OF LIMITATIONS.—The time limit for filing a claim under this subsection, or for filing an action based on such claim, shall be tolled during the pendency of a request for benefits or compensation under part C of this title.

"(iii) CONSTRUCTION.—This subsection shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

"(B) EXCLUSIVITY.—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this subsection encompasses, except for a proceeding under part C of this title.

"(C) OFFSET.—The value of all compensation and benefits provided under part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents."

(d) REQUIREMENT TO COOPERATE WITH UNITED STATES.—Section 224(p)(5) of such Act (42 U.S.C. 233(p)(5)) is amended in the caption by striking "DEFENDANT" and inserting "COVERED PERSON".

(e) AMENDMENT TO DEFINITION OF COVERED COUNTERMEASURE.—Section 224(p)(7)(A)(i)(II) of such Act (42 U.S.C. 233(p)(7)(A)(i)(II)) is amended to read as follows:

"(II) used to control or treat the adverse effects of vaccinia inoculation or of administration of another covered countermeasure; and"

(f) AMENDMENT TO DEFINITION OF COVERED PERSON.—Section 224(p)(7)(B) of such Act (42 U.S.C. 233(p)(7)(B)) is amended—

(1) by striking "includes any person" and inserting "means a person";

(2) in clause (ii)—

(A) by striking "auspices" and inserting "auspices—";

(B) by redesignating "such countermeasure" and all that follows as clause (I) and indenting accordingly; and

(C) by adding at the end the following:

"(II) a determination was made as to whether, or under what circumstances, an individual should receive a covered countermeasure;

"(III) the immediate site of administration on the body of a covered countermeasure was monitored, managed, or cared for; or

"(IV) an evaluation was made of whether the administration of a countermeasure was effective;"

(3) in clause (iii) by striking "or";

(4) by striking clause (iv) and inserting the following:

"(iv) a State, a political subdivision of a State, or an agency or official of a State or of such a political subdivision, if such State, subdivision, agency, or official has established requirements, provided policy guidance, supplied technical or scientific advice or assistance, or otherwise supervised or administered a program with respect to administration of such countermeasures;

"(v) in the case of a claim arising out of alleged transmission of vaccinia from an individual—

"(I) the individual who allegedly transmitted the vaccinia, if vaccinia vaccine was administered to such individual as provided by paragraph (2)(B) and such individual was within a category of individuals covered by a declaration under paragraph (2)(A)(i); or

"(II) an entity that employs an individual described by clause (I) or where such individual has privileges or is otherwise authorized to provide health care;

"(vi) an official, agent, or employee of a person described in clause (i), (ii), (iii), or (iv);

"(vii) a contractor of, or a volunteer working for, a person described in clause (i), (ii), or (iv), if the contractor or volunteer performs a function for which a person described in clause (i), (ii), or (iv) is a covered person; or

"(viii) an individual who has privileges or is otherwise authorized to provide health care under the auspices of an entity described in clause (ii) or (v)(II)."

(g) AMENDMENT TO DEFINITION OF QUALIFIED PERSON.—Section 224(p)(7)(C) of such Act (42 U.S.C. 233(p)(7)(C)) is amended—

(1) by designating "is authorized to" and all that follows as clause (i) and indenting accordingly;

(2) by striking "individual who" and inserting "individual who—"; and

(3) by striking the period and inserting "; or

"(ii) is otherwise authorized by the Secretary to administer such countermeasure."

(h) DEFINITION OF "ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE".—Section 224(p)(7) of such Act (42 U.S.C. 233(p)(7)) is amended by adding at the end the following new subparagraph:

"(D) ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE.—The term 'arising out of administration of a covered countermeasure', when used with respect to a claim or liability, includes a claim or liability arising out of—

"(i) determining whether, or under what conditions, an individual should receive a covered countermeasure;

"(ii) obtaining informed consent of an individual to the administration of a covered countermeasure;

"(iii) monitoring, management, or care of an immediate site of administration on the body of a covered countermeasure, or evaluation of whether the administration of the countermeasure has been effective; or

"(iv) transmission of vaccinia virus by an individual to whom vaccinia vaccine was administered as provided by paragraph (2)(B)."

(i) TECHNICAL CORRECTION.—Section 224(p)(2)(A)(ii) of such Act (42 U.S.C. 233(p)(2)(A)(ii)) is amended by striking "paragraph (8)(A)" and inserting "paragraph (7)(A)".

(j) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 1770, SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. BURR. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of H.R. 1770, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### GENERAL LEAVE

Mr. BURR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1770, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, the Chair will recognize Members for special order speeches without prejudice to the resumption of legislative business.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING AND COMMENDING HARDIN-SIMMONS UNIVERSITY'S 2003 WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I rise today to honor and commend the Hardin-Simmons University 2003 women's basketball team from Abilene, Texas, who have achieved an incredible record, including their first undefeated regular season in school history, a fifth straight American Southwest Conference Tournament title, and a fifth consecutive "Sweet 16" appearance in the NCAA Division 3 Tournament.

Our Cowgirls exhibited incredible determination and drive as they worked to set a new benchmark for their university. Their school, community, and district stand behind them and join in celebrating their accomplishments.

□ 1415

When the basketball games first began the season, the university and the surrounding community knew this

team had a winning chemistry. The Cowgirls won all 24 of their regular season games, a milestone in school history. Games at Maybee Complex were some of the largest attended events the Cowgirls had ever seen, and soon Hardin Simmons University led the division in home attendance. With great talent and wide support, the Cowgirls attained their first number one ranking in the nation since becoming an NCAA member.

But the Cowgirls did not stop there. They soon played some of the most competitive teams in the American Southwest conference and triumphantly won their fifth straight AFC tournament title. And their win made them one of only two undefeated teams in the Nation, earning them a spot in the coveted NCAA Division III basketball tournament and a number one ranking in the Nation by the ESPN USA Today Women's Basketball Coaches Association.

The Cowgirls fought a tough battle at the NCAA championships. In the end, however, they were unable to win the title. But as Vince Lombardi once said, "The spirit, the will to win and the will to excel are the things that endure. These qualities are so much more important than the events that occur." Trophy or not, they have already won the most important prize, the pride, the joy, and the honor of representing their university and community for all of America to see. To me and those I represent, you, the Cowgirls, are already the biggest winners of all.

None of these victories could have been achieved without the incredible team work that these 15 young women have demonstrated. From Abilene and San Angelo, Brady, and Stephenville, and all over the district, these women came from all areas, and through their hard work and efforts they became more than just teammates. They became life-long friends. Their names will be remembered with pride at their school and within our communities: Sarah Allen, Kendra Anderson, KiraTaura Buckner, Diane Cox, Sara Dickey, Lauren Harris, Hannah Jones, Veronica Jones, Erika Keese, Diana Martinez, Leigh Ann Neal, Keila Remmele, Laura Ricci, and Terri Robinson. We will remember your victories in our hearts and our memories.

The team as a whole has an incredible spirit, but one player in particular has achieved notable recognition for her abilities on the team and for women's basketball at large. Kendra Anderson has been named the Division III National Player of the Year by the Women's Basketball Coaches Association. She has been the American Southwest Conference's most valuable player for the third straight year, the conference tournament most valuable player for the fourth straight year, and the first team All American and All South Region for the third year. She was also a WBCA All Star Challenge participant with 17 Division I All Stars. She scored an average of 20.1

points and 10 rebounds per game this season alone. Kendra has forever raised the bar of excellence to a new standard for her friends and teammates to follow.

We all know that a basketball team can have all the best players in the world, but without direction and guidance, strong leadership and vision, the team cannot develop and grow. That guiding force was first-year head coach, Shanna Briggs. Miss Briggs brought out the best in her players, sharpened their strengths and improved their weaknesses. The Hardin Simmons women's basketball program will continue in future years to prosper under her leadership and the dedication of its players.

Mr. Speaker, I am proud to give the recognition today to the 2003 Hardin Simmons University Cowgirls, the hard work that the players and coaches have done to make this team the champions they are. They have learned, as Grace Lichenstein once said, that "your opponent in the end is never really the player on the other side of the net or the swimmer in the next lane or the team on the other side of the field or even the bar you must high jump. Your opponent is yourself, your negative internal voices, your levels of determination."

The 2003 Cowgirls are examples and role models for athletes everywhere and proof of the powerful and resilient nature of women's sports. Hardin Simmons University's 2003 Cowgirls, congratulation on a great year.

#### HONORING AMERICAN SOLDIERS

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, Daniel Webster said, "God grants liberty only to those who love it and are always ready to guard and defend it."

What you see here is a banner that was displayed and then signed by thousands of my constituents 2 weeks ago at a "support the troops" rally in Rochester, Minnesota. Now, I know rallies like this have been conducted all over the United States, but this particular banner is on its way with me to Germany and will be displayed to the brave Americans who are in the hospitals at Ramstein Air Force Base, and then hopefully it will make it from there down to the gulf so that the soldiers who are serving there can see this banner and know that people in Southeastern Minnesota as well as people all over the United States support them.

No nation has given more in the defense of liberty than we Americans. From Valley Forge to Gettysburg, from Normandy to this very day, we have demonstrated what President Kennedy meant when he said that, "we will pay any price, we will bear any burden, we will meet any hardship, support any friend, oppose any foe, and

shoulder any burden to keep the lamp of liberty burning brightly throughout the world."

We have all been heartened by the stories coming out of Iraq. Many of us have read of the rescue of PFC Jessica Lynch as recounted by Central Command briefer Major General Gene Renuart. According to General Renuart, a Special Ops soldier called to Private Lynch as he entered the room saying, Jessica Lynch, we are United States soldiers. We are here to protect you and take you home.

As he walked over and took off his helmet, she looked up to him and said, I am an American soldier too.

But not as many of us have heard the story of the recovery of the remains of the soldiers believed to have been soldiers killed there. And I quote, "At the same time," Renuart recounted, "the team was led to a burial site where, in fact, they did find a number of bodies that they believed could be Americans missing in action. They did not have shovels in order to dig up those graves so they dug them up with their hands. And they wanted to do it very rapidly so they could race the sun and be off the site before the sun came up; a great testament to the will and desire of coalition forces to bring their own home."

They did dig them up with their hands and raced the sun.

On a cold and windy Sunday afternoon just 2 weeks ago, the people of Southern Minnesota gathered to send a simple message. We sang songs, heard speeches, read letters, and most of us got a little misty eyed as proud parents held pictures of their sons and daughters wearing the uniforms of each branch of our military. Our purpose was simple. We wanted to say thank you for their service; and, second, we wanted them to know that we stand with them wherever they may be serving. All took their places in that long line, that long gray line that has never failed us.

The images of the Iraqi citizens cheering our Armed Forces make us happy and proud, but somehow not surprised. Once the Commander in Chief gave the order to liberate Iraq, most of us knew that the result and those images were inevitable. On behalf of all who have attended rallies, and especially those who signed this banner, let me say first that we mourn with those families who have borne the heaviest price of this battle.

No politician can adequately salve wounds that will never completely heal. The best that we can say is that we will never forget. To all those, who, like PFC Lynch, are "American soldiers too," and to all our sailors, airmen and Marines, we say thank you. And we stand with you. May God continue to bless and protect our Nation and all who defend her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.